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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/051,547	04/07/1998	TAKAO YAMAGUCHI	MTS-2570	8127

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EXAMINER	
WONG, ALLEN C	
ART UNIT	PAPER NUMBER
2613	

DATE MAILED: 01/16/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/051,547	YAMAGUCHI ET AL.	
	Examiner	Art Unit	
	Allen Wong	2613	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *26 November 2001* .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3-17,20 and 21* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3-17,20 and 21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims 1, 3-17, 20 and 21 have been fully read and considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 3-17, 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lane (5,377,051) in view of Keith (5,418,568).

Regarding claim 1, Lane discloses a picture decoding and coding apparatus comprising a picture coding apparatus including picture coding means of coding picture information (fig.8a, element 102), and transmission control means of transmitting or recording the coded various information (note fig.8a, element 109 is a transport encoder that controls what is being transmitted and how the video data is prioritized, thus setting up the video information for transmission), and a picture decoding apparatus including reception control means of receiving the coded various information (note fig.9b, element 208 is the transport and priority decoder module used for controlling the received coded video information), picture decoding means of synthesizing one or more decoded pictures (note fig.9b, element 216 is a video decoder module that synthesizes the video information, preparing the video information for output), and output means of delivering

the synthesized picture (see fig.9b, note Lane discloses "To Video Display Circuit" for outputting the video information).

Lane fails to disclose the limitation "wherein each picture includes a priority used to determine whether there is a picture which should be processed, or not processed, according to a load processed by a reception side terminal or processing capacity of a reception side terminal." However, Keith discloses a frame discard interval in accordance with the processing power with of the digital processor (col.1, lines 44-54 and col.12, lines 33-61). In other words, Keith teaches the concept of whether a picture, including a priority, should be processed or not with a counter for determining whether a selected frame should be discarded or not (column 12, lines 33-61). If the selected frame does not meet the conditions for discarding, then the frame is kept and counted, depending on the processing power or processing capacity of the digital processor. Keith teaches the concept of a determination means for determining whether a frame or a picture should be processed or not processed according to a load processed or to the processing power (ie. processing capacity of the reception side terminal) of the digital processor when discarding frames during decoding. Therefore, it would have been obvious to one of ordinary skill in the art to combine the teachings of Lane and Keith together as a whole for implementing picture processing according to the processing capacity of a terminal so as to prevent the exceeding of the processor's capacity, and also to adjust the incoming video data transmission rate accordingly for accurately producing high quality sequential images in an efficient manner. Both Lane and Keith are considered to be analogous references because both pertain to the specifics of

video image processing, and thus, the Lane and Keith combination is reasonable and valid to one of ordinary skill in the art.

Note claims 10, 12-15, 20 and 21 have similar corresponding elements.

As for claims 3-5, 11 and 17, Lane discloses the prioritization of encoded video data (see col. 25 to col. 30 where Lane elaborates on the prioritization schemes, the details of how video data is prioritized, and the importance of prioritization).

Regarding claim 6, Lane discloses the determining of the priority depending on the execution rate (col.30, lines 46-50; note "3X" is the execution rate).

Regarding claims 7 and 9, Lane discloses the prioritization of intraframe coded pictures (see chart in col.30 where "intra-coded image" are prioritized at priority level 3-4).

Regarding claim 8, Lane discloses the prioritization of interframe coded pictures (see chart in col.30 where "inter-coded image" are prioritized at priority level 5-7).

Regarding claim 16, Lane discloses a real time picture coding apparatus comprising one or more picture input means for feeding pictures (note in fig.8a, Lane discloses "Uncompressed Video", ie. images taken by video camera), picture input control means of controlling the control state of the picture input means (fig.8a, element 109), other terminal control request control means of controlling the reception state of a reception terminal (col.32, lines 40-57; note Lane discloses the "handshaking signals" must be exchanged between the receiver end and the transmission end (VTR), thus Lane discloses the other terminal request control means), coding process decision means of determining the coding method of pictures depending on at least the

controlled reception state of the reception terminal or the control state of said picture input means (col.25, lines 23-42; Lane discloses the identification of various data types and thus by identifying the various video data types, the picture coding method will be determined), picture coding means for coding said input picture according to the result of decision by the coding process decision means (fig.8a, element 109 , the transport encoder will code the video information in an according manner), and output means of delivering the coded picture (see fig.8a, note the video information is outputted from element 109 to element 110, then to element 112, the transmitter antenna, for delivering the coded picture).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Allen Wong whose telephone number is (703) 306-5978. The examiner can normally be reached on Mondays to Thursdays from 8am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on (703) 305-4856. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

AW
January 8, 2002

CHRIS KELLEY
SUPERVISORY PATENT EXAMINER
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